IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

Crl.Rev.Pet.No.119 of 1998(C)

CRL.A.NO.118/1995 OF THE COURT OF THE ADDITIONAL SESSIONS JUDGE, THODUPUZHA.

C.C.412 OF 1992 OF THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS-II, THODUPUZHA.

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REVISION PETITIONER/APPELLANT/ACCUSED:-

MUHAMMED ALI, S/O.KUNJUMUHAMMED,
CHORRAVELIL HOUSE, KUMARAMANGALAM KARA,
KUMARAMANGALAM VILLAGE.

BY ADV. SRI.B.GOPAKUMAR
SMT.CHINCY GOPAKUMAR

RESPONDENT/RESPONDENT/COMPLAINANT:-

STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 20/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.K.BALI, C.J.

Crl.R.P.No.119 of 1998

Dated this the 20th day of December, 2006.

ORDER

V.K.Bali, C.J.(Oral)

Petitioner has been held guilty for offences under Sections 451 and 324 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for six months each under Section 451 and 324 IPC. In the appeal preferred against the order aforesaid the sentence was modified to undergo simple imprisonment for one month under Section 451 IPC and simple imprisonment for two months under Section 324 IPC and the sentences were ordered to run concurrently. It is against these two orders that the present revision has been filed.

2. Briefly put, it has been the case of the prosecution that the petitioner actuated by previous enmity on 15.4.1990 at 11.30 A.M. committed house trespass by entering into the shop room VII/282 at Kumaramangalam

Panchayat where Pw.1 was running a tailoring shop, stabbed with a knife on the left forehead and voluntarily caused hurt to Cw.1 and thereby committed offences punishable under Sections 451 and 324 of the Indian Penal Code.

3. The learned counsel appearing for the petitioner without joining issues on the merits of the case contends that the occurrence pertains to the year 1990 and in the manner aforesaid the petitioner has already undergone agony of a protracted trial spanned over a period of more than 16 years and at this distance of time he may not be sent to serve a jail term.

4. In totality of the facts and circumstances of the case, this Court is of the view that interests of justice will be served if while maintaining the order of conviction the petitioner is asked to pay a total fine of Rs.4000/- (Four thousand) towards both counts instead of undergoing the jail term. Ordered accordingly. If the fine amount is paid the same would be made over to the injured Azeez (Pw.1). In case the fine as mentioned above is not paid the

petitioner would undergo the jail term as ordered by the lower appellate court.

Revision petition is disposed of accordingly.

V.K. BALI,
Chief Justice.

vns.